

Green, LindaE

From: Lisa Song <lisa.song@insideclimatenews.org>
Sent: Tuesday, August 05, 2014 4:50 PM
To: FOIA HQ
Subject: FOIA request
Attachments: FOIA EPA TERA ARA.doc

Please see the attached FOIA request.

Thank you,
Lisa

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Lisa Song
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Aug 5, 2014

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

FOIA REQUEST
Expedited processing requested

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. 552, I respectfully request the following information:

A copy of all contracts, correspondence and emails (including attachments) between the U.S. EPA (federal and regional offices) and Toxicology Excellence for Risk Assessment (TERA, at tera.org), from 1995 to the present.

A copy of all contracts, correspondence and emails (including attachments) between the U.S. EPA (federal and regional offices) and the Alliance for Risk Assessment (ARA, at allianceforrisk.org), from 1995 to the present.

Please provide the information **in electronic form as PDFs**. When possible, I would like the original pdf files instead of a scanned image file. If the files cannot be emailed due to file size, please mail me the information on CD(s). If you have any questions about file size or making the documents available in electronic format, please contact me to discuss the options.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on toxicology and risk assessment evaluations from the EPA. This information is being sought on behalf of InsideClimate News for dissemination to the general public.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. In the following six paragraphs I will underscore my reasons in response to your guidelines on fee-waiver requests. I understand that is a separate process than my FOIA request. So I ask that you initiate both processes simultaneously. In other words, **please start processing the FOIA request itself as you are doing the fee-waiver request.** Now, let me specifically address the six factors used by the FOIA for fee-waiver determination by the Environmental Protection Agency and other federal agencies:

1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government: The EPA helps regulate public health by reviewing and analyzing issues in toxicology and risk assessment. Part of that job involves working with contractors such as TERA or ARA, and the requested records are correspondence between the EPA and the outside organizations concerning an issue regulated by the EPA.

2. *The disclosure should be "likely to contribute" to an understanding of government operations or activities:* The documents shed light on how the EPA evaluates risk assessment for public health purposes, and how it works with outside organizations to achieve that goal.

3. *The disclosure must contribute to the understanding of the public at large, as opposed to the requester or a narrow segment of interested persons:* This is a request filed under the Freedom of Information Act by InsideClimate News, an award-winning news organization with a national audience, and a content partner of Bloomberg News and McClatchy. There is intense national interest in ongoing EPA deliberations over how to regulate ozone and other pollutants. Risk assessment is a necessary part of those discussions, and the requested records will show how the EPA works to evaluate the risks and consequences of toxic pollutants.

4. *The disclosure must contribute "significantly" to the public understanding of government operations.* The documents show how the EPA collaborates with outside contractors to evaluate the risk assessment and toxicity of compounds that impact public health. The collaboration sheds light on the process behind how the EPA sets reference values, guidelines and standards for pollutants. In late June, for instance, the EPA released a final risk assessment for the compound TCE. In reaching those decisions for chemicals like TCE, the EPA sometimes consults with outside contractors, and the requested documents show how the collaborations take place.

5. *The disclosure will not serve any commercial interest of me as an individual:* I work for a nonprofit news organization. In fact, the entire process will likely cost my company money because it involves my time.

6. *The public interest in disclosure far outweighs commercial interest:* There is substantial national interest in the EPA's ongoing review of the national ozone standard and other chemical exposure standards and guidelines. The results have profound impacts on government regulations, businesses and communities. The EPA's IRIS database, for example, is regularly updated with new information on exposure risks and reference values. All of the data, evaluations and information from the EPA on risk assessment have a direct impact on Americans who are exposed to these compounds, whether in the ambient air and water (if they live in an area with lots of industrial activity), or after an accident such as an oil pipeline spill or refinery incident. The requested documents shed light on how the EPA works with risk assessment experts from outside organizations (TERA and ARA, for example) to evaluate the science surrounding toxicity and risk assessment. The requested contracts and correspondence show the work process that leads to new decisions concerning regulations of certain toxins or pollutants—decisions that have a direct impact on the doses of specific chemicals that the public can be safely exposed to.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to **release all segregable portions of otherwise exempt material**. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a daily journalist and this information is of timely value, I would appreciate your communicating with me by phone (617-500-8266) or email (lisa.song@insideclimatenews.org) if you have questions. Please provide **expedited processing** of this request, which concerns a matter of urgency.

I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief. I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

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